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462; cf. *Leach v. Hill*, 106 Iowa, 171, 76 N. W. 667; *The Chelmsford*, 34 Fed. 399. *Contra*, *National Market Co. v. Maryland Casualty Co.*, 100 Wash. 377, 174 Pac. 479. So it seems possible to say that the indorsement transferred to the plaintiff the payee's quasi-contractual right to recover the value of the consideration transferred. See 1 DANIELS, NEGOTIABLE INSTRUMENTS, 5 ed., § 226. Cf. *Burrill v. Stevens*, *supra*. Moreover, the case is aided in result by the analogy of another section of the Negotiable Instruments Law allowing a recovery *pro tanto* in case of a partial failure of consideration. See NEGOTIABLE INSTRUMENTS LAW, § 28; 1909 MO. REV. STAT., c. 86, § 9999. The decision, though not founded on the express provisions of the Negotiable Instruments Law, seems therefore to construe that statute wisely.

CHOSSES IN ACTION — GIFTS — PAROL GIFT OF A DEBT TO TAKE EFFECT IN ENJOYMENT ON THE DEATH OF THE DONOR. — A woman desired to make a gift of \$1000 to a granddaughter at the woman's death. In the presence of the girl's father she orally directed a son, who owed her \$1400, to pay \$1000 of that debt at her death to the granddaughter, unless the girl reached the age of eighteen before the creditor's death, in which case she would pay the girl herself. After payment according to these directions the son was sued by his mother's administrator for the debt. *Held*, that the action be dismissed. *Dinslage v. Stratman*, 180 N. W. 81 (Neb.).

For a discussion of this case, see NOTES, page 664, *supra*.

CONSTITUTIONAL LAW — POLICE POWER — GAME LAWS: POSSESSION OF FISH DURING CLOSED SEASON. — An Oregon statute prohibited the sale or possession, during the closed season of the year, of salmon caught beyond the three-mile line outside the Columbia River. *Held*, that this prohibition is constitutional. *Union Fishermen's Co-op. Packing Co. v. Shoemaker*, 193 Pac. 476 (Ore.).

The case involves two constitutional questions. First, is such a statute a valid exercise of the police power? The regulation of game and fish is under the police power of the state. See *Lawton v. Steele*, 152 U. S. 133, 138. And to attain the desired end, preservation of the food supply, rights in property may be restricted. *Commonwealth v. Gilbert*, 160 Mass. 157; *Magner v. People*, 97 Ill. 320. Secondly, is the statute an unwarranted interference with interstate commerce? At one time it was held that such a prohibition if applied to fish caught outside the state would be unconstitutional. *In re Davenport*, 102 Fed. 540. See *Commonwealth v. Wilkinson*, 139 Pa. 298, 305, 21 Atl. 14, 15. But finally the opposite view prevailed, the argument being that any other rule would make difficult, if not impossible, detection of evasions of the local law. *State of New York ex rel. Silz v. Hesterberg*, 211 U. S. 31 (S. C. 184 N. Y. 126, 76 N. E. 1032); *People v. Lassen*, 142 Mich. 597, 106 N. W. 143. See 14 HARV. L. REV. 288. The statute in the principal case referred only to fish caught in the sea below the Columbia River, and not, for example, to fish caught in a river in another state. This statute goes further, illogical as this may seem, than previous statutes forbidding possession of fish wherever caught. For the prohibition in the previous statutes was a mere incident of the enforcement of the law as regards domestic fish, while in this statute there is an indirect inhibition of a foreign act to increase the domestic supply. It is submitted, however, that the means are reasonable and that the statute may be supported by the application of old principles. See *In re Deininger*, 108 Fed. 623.

CONSTITUTIONAL LAW — POLICE POWER — VALIDITY OF STATUTE PROVIDING FOR DESTRUCTION OF INFECTED TREES TO PROTECT ADJACENT ORCHARDS. — The apple-growers of Virginia were seriously hampered by the